

Appl. No. 09/498,398
Amdt. dated May 31, 2005
Reply to Office Action of February 28, 2005

PATENT

REMARKS/ARGUMENTS

35 U.S.C. §103 Rejection, Shlomot et al. in view of Shepard and further in view of Chen

The Office Action has rejected claims 20 and 26-46 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,699,481 to Shlomot et al. (hereinafter "Shlomot") in view of the cited portions of U.S. Patent No. 5,943,347 to Shepard (hereinafter "Shepard") and further in view of the cited portions of U.S. Patent Publication No. 2002/0007273 to Chen (hereinafter "Chen"). Chen is cited for the proposition in the claims that "the first signal frame and the expanded portion have different time lengths in the sound signal." In other words, the claims provide for the frame size--measured by time in the played sound signal--to vary on a frame-to-frame basis.

With all due respect, reliance on Chen for the teaching of varying frame size measured as a function of the played sound signal is not supportable by the reference. Chen only discusses different sample rates, which is not the same as having different sound signal frame sizes measured in time units. For example, a frame size corresponding to two mili-seconds of the played sound signal could have a thousand samples or eight thousand samples, but that does not affect the frame size of two mili-seconds in both cases. Changing the sample rate only affects the granularity of the signal and does not have anything to do with frame size measured as a function of the playback time.

Gaps are filled with the method of Chen to fill in the missing portions of an output sound frame such that the frame size in time is kept uniform. Chen, last sentence of paragraph [0033]. Even if Chen taught changes in the sample rate of the produced sound signal, this would not affect the time length of the frame and would only change the number of samples used to represent that fixed time-length frame. Chen goes through an example in paragraphs [126]-[128] and there is no discussion that the eight mili-second frame size changes in the process of reformulating lost information.

Clearly, Chen cannot be relied upon to teach differing time-length frames. Applicants believe all claims are allowable for at least the reason given above. Should this

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interpretation of Chen be maintained, Applicants respectfully request an interview to more fully discuss the teachings of Chen.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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